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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 CARLOS VELEZ,

11 Plaintiff,

No. CIV S-05-0054 FCD PAN

12 vs.

13 JO ANNE B. BARNHART,
14 Commissioner of Social Security,

15 Defendant.

ORDER

16 This Social Security action was referred to a United States Magistrate Judge
17 pursuant to 28 U.S.C. § 636, et seq., and Local Rule 72-302.

18 On July 20, 2006, the magistrate judge filed findings and recommendations herein
19 which were served on the parties and which contained notice that any objections to the findings
20 and recommendations were to be filed within ten days. Neither party has filed objections to the
21 findings and recommendations.

22 The court has reviewed the file and finds the findings and recommendations to be
23 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY
24 ORDERED that:

- 25 1. The findings and recommendations filed July 20, 2006, are adopted in full;
26 2. Plaintiff's motion for summary judgment is denied;

3. The Commissioner's cross motion for summary judgment is denied; and

4. This matter is remanded under sentence four of 42 U.S.C. § 405(g) for further development of the record and further findings consistent with this order.

DATED: September 11, 2006

/s/ Frank C. Damrell Jr.
FRANK C. DAMRELL JR.
United States District Judge